

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	Case No.: 3:05cr156-A
)	
JIMMY PETE MCKENDREE)	

**MOTION TO WITHDRAW AS COUNSEL OF RECORD
AND FOR APPOINTMENT OF CJA PANEL ATTORNEY**

COMES NOW the undersigned counsel, Jennifer A. Hart, and files this Motion to Withdraw as Counsel of Record and for Appointment of a CJA Panel Attorney on behalf of Defendant Jimmy Pete McKendree. In support of this Motion, counsel states the following:

1. On June 29, 2005, Mr. McKendree was charged in a three-count Indictment in this District with offenses involving the possession of firearms and narcotics.
2. Mr. McKendree's trial is currently set for March 27, 2006.
3. This case will not go to trial but will be resolved by plea agreement. During plea negotiations it was discovered that a conflict exists between attorney and client which requires counsel to withdraw from further representation of Mr. McKendree. This matter has been discussed with Mr. McKendree and he understands the ramifications of the conflict and agrees that undersigned counsel cannot continue to represent him. Undersigned counsel will provide additional information under seal if the Court so requests.
4. Undersigned counsel requests that, on behalf of Mr. McKendree, a soon to be designated CJA panel attorney be appointed to represent him in all further proceedings in this case¹.

¹ The nature of the conflict in this case was not discovered until today, and although a specific CJA panel attorney has not yet been identified to replace the undersigned counsel, the parties involved in the potential conflict agree that it is in the best interest of Mr. McKendree and

Mr. McKendree will not be prejudiced by such a change in counsel at this time.

WHEREFORE, undersigned counsel prays that the office of the Federal Defender be permitted to withdraw from the representation of Mr. McKendree and the a CJA panel attorney be appointed to represent him.

Respectfully submitted,

JENNIFER A. HART
FEDERAL DEFENDERS
MIDDLE DISTRICT OF ALABAMA
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other unnamed person(s) for the undersigned counsel to withdraw from this case as quickly as possible.

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Susan Redmond
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,

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